

**REMARKS/ARGUMENTS**

Claims 1, 3-27, and 29-77 are pending.

In the Office Action of February 24, 2006, claims 1, 3-16, 18-25, 27-44, 46-70, and 72-77 are rejected under 35 U.S.C. §102(e) as being anticipated by Shaffer et al. (U.S. Patent No. 6,396,963 B2). Claims 17, 45, and 71 are rejected under 35 U.S.C. §102(e) as being anticipated by Simon et al. (U.S. Patent Application Publication No. US2002/0040375). Claims 18-23 are rejected under 35 U.S.C. §102(b) as being anticipated by Anderson (U.S. Patent No. 6,690,396 B1). Claims 6, 23, 25, 32, 51, 61, and 77 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer et al. in view of Anderson. Claim 53 is rejected under 35 U.S.C. §103(a) as being unpatentable over Shaffer, in view of Anderson, and further in view of Barrett (U.S. Patent No. 4,896,176).

Claim 26 has been objected to as being dependent upon a rejected base claim, but is indicated to be allowable if rewritten in independent form.

**Allowable Subject Matter**

Applicants thank the Examiner for the indication of allowable subject matter in claim 26.

**Amended claims 1, 17, 18, 24, 25, 27, 45, 46, 52, 54, 57, 71, and 72**

Solely for purposes of expedited prosecution of the application, Applicants have amended independent claims 1, 17, 18, 24, 25, 27, 45, 46, 52, 54, 57, 71, and 72 to include features that the Examiner has indicated as allowable. Applicants submit that amended claims 1, 17, 18, 24, 25, 27, 45, 46, 52, 54, 57, 71, and 72 are not anticipated or suggested by the cited references considered individually or in combination.

For example, amended claim 1 recites, "receiving a first digital image from an image capture device having a selector for identifying the first digital image as a template image." As the Examiner indicated with respect to the allowable subject matter included in claim 26, the cited references do not teach or suggest at least this portion of claim 1. Therefore, Applicants thus submit that independent claim 1 is now in a condition for allowance.

In another example, amended claim 17 recites receiving a signal comprising digital signals representative of a plurality of digital images, "the plurality of digital images captured using an image capture device" and "determining a template image from the plurality of digital images based upon a selection entered via the image capture device." As the Examiner indicated with respect to the allowable subject matter included in claim 26, the cited references do not teach or suggest at least these portions of claim 17.

Other independent claims include features that the Examiner has indicated would be allowable. Therefore, Applicants thus submit that independent claims 1, 17, 18, 24, 25, 27, 45, 46, 52, 54, 57, 71, and 72 are now in a condition for allowance.

#### Dependent Claims

Applicants submit that the dependent claims, which inherit the limitations of respective independent claims, are patentable for at least the reasons cited above, among others.

In addition, with respect to claim 26, Applicants respectfully submit that Barrett does not teach a button to capture a template image, as the Office Action states at page 14 referring to Barrett FIG. 1 reference number 14. Barrett states that the camera "is equipped with an automatic focusing unit 14" (col. 2 lines 39-40). Therefore, reference 14 of Barrett FIG. 1 refers to an automatic focusing unit, not a button to capture a template image.

Other claims are distinguishable from Barrett and the other cited references. For example, claim 53 recites that a digital camera comprises "a first button which when selected indicates that an image received by the digital camera is a template image." Applicants submit that this feature is not taught or suggested by Barrett. With respect to a "template," Barrett merely teaches that predetermined images may be imaged onto film along with an image taken through the lens of the camera, by placing the predetermined images in a template holder located between a lens and the film of the camera (see Barrett col. 3 lines 12-38 and FIG. 3). However, Applicants submit that Barrett is silent as to a button to indicate that an image received by the digital camera is a template image, as recited in claim 53.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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